

REMARKS

The present application relates *inter alia* smectic liquid-crystal displays. Specifically, the invention of the current application provides a suitable chiral smectic liquid crystal mixture and a switching and display device comprising the suitable chiral smectic liquid-crystal mixture. The liquid-crystal mixture makes it possible, owing to monostable alignment with the ratio of the angle between the rubbing direction and the smectic layer normal to the tilt angle of at least 0.41, to achieve a very high contrast over a broad temperature range.

Pursuant to the provisions of 37 C.F.R. §§ 1.17(a) and 1.136(a), Applicants petition the Assistant Commissioner to extend the time period for Applicants to respond to the outstanding Office Action by three (3) months, i.e., up to and including June 11, 2005. A check for \$1020.00 is enclosed with this paper. Applicants authorize the Director to charge any additional fee for consideration of this paper, or credit any overpayment, to Deposit Account No. 50-0320.

Please find enclosed a certified copy of the translation of the German application no. 199 34 798.0, filed on July 28, 1999, to which the current application claims priority. Applicants respectfully request consideration of this document.

Claims 12-18 are pending. Claims 12-15 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Asao et al. (U.S. Patent No. 6, 577, 289, “Asao”) in view of Taniguchi et al. (U.S. Patent No. 4, 941,736, “Taniguchi”). Claims 16-18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Asao over Taniguchi, in further view of Fuss et al. (U.S. Patent No. 5, 547, 605, “Fuss”).

Applicants respectfully point out that effective filing date of Asao is March 24, 2000. Thus, Asao was filed after the effective filing date of July 28, 1999 of the instant application. According to the MPEP 2141.01, only the “subject matter that is prior art under 35 U.S.C. 102

can be used to support a rejection 103. *Ex parte Andresen*, 212 USPQ 100, 102 (Bd. Pat. App. & Inter. 1981). Accordingly, Applicants respectfully urge that the subject matter of the primary reference Asao is not prior art under 35 U.S.C. §102, and therefore cannot be used as prior art to support the rejection of claims 12-15 and claims 16-18 under 35 U.S.C. § 103(a). Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C § 103.

In view of the remarks herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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